

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

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|---|--|--|
| Applicant's or agent's file reference PCT 21356 | FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below. | |
| International application No. PCT/US2004/035845 | International filing date (day/month/year) 27/10/2004 | (Earliest) Priority Date (day/month/year) 30/10/2003 |
| Applicant MERCK & CO., INC. | | |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
 - b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. **Certain claims were found unsearchable** (See Box II).
3. **Unity of invention is lacking** (see Box III).
4. With regard to the **title**,
 - the text is approved as submitted by the applicant.
 - the text has been established by this Authority to read as follows:
2-AZETIDINONES AS ANTI-HYPERCHOLESTEROLEMIC AGENTS

5. With regard to the **abstract**,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. _____
 - as suggested by the applicant.
 - as selected by this Authority, because the applicant failed to suggest a figure.
 - as selected by this Authority, because this figure better characterizes the invention.
- b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No

CT/US2004/035845

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/351 C07D205/08 C07D405/10 C07D405/12 C07D409/10
 C07D409/12 C07H15/26 A61P3/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data, WPI Data, BEILSTEIN Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

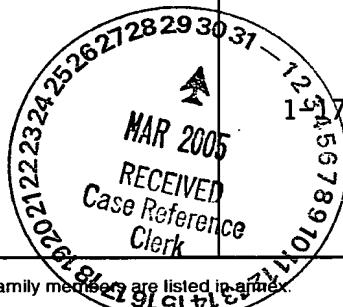
| Category | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|----------|--|-----------------------|
| 1 Y | WO 02/066464 A1 (KOTOBUKI PHARMACEUTICAL CO., LTD., JAPAN) 29 August 2002 (2002-08-29) cited in the application see compounds 1-58 abstract ----- | 1-17 |
| 2 Y | US 5 756 470 A (YUMIBE, NATHAN P. ET AL) 26 May 1998 (1998-05-26) the whole document ----- | 1-17 |
| 3 Y | WO 97/16455 A1 (SCHERING CORPORATION, USA) 9 May 1997 (1997-05-09) the whole document ----- | 1-17 |
| 4 Y | US 2002/137689 A1 (GLOMBIK HEINER ET AL) 26 September 2002 (2002-09-26) cited in the application the whole document ----- | |



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.



Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

15 March 2005

Date of mailing of the international search report

23/03/2005

Name and mailing address of the ISA

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INTERNATIONAL SEARCH REPORT

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 12–16 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

II. Information on patent family members

International Application No

PCT/US2004/035845

| Patent document cited in search report | | Publication date | | Patent family member(s) | | Publication date |
|--|----|------------------|--|---|--|--|
| WO 02066464 | A1 | 29-08-2002 | BR CA EP MX US | 0206193 A 2438961 A1 1362855 A1 PA03005073 A 2004063929 A1 | | 03-02-2004 29-08-2002 19-11-2003 05-09-2003 01-04-2004 |
| US 5756470 | A | 26-05-1998 | | NONE | | |
| WO 9716455 | A1 | 09-05-1997 | AT AU AU BR CA CN CY CZ DE DE DK EP ES HK HU ID JP JP JP NO NZ PL PT SK TW ZA | 219495 T 712158 B2 7517996 A 9611401 A 2235943 A1 1205707 A ,C 2353 A 9801294 A3 69621952 D1 69621952 T2 877750 T3 0877750 A1 2175141 T3 1012507 A1 9802539 A2 16177 A 10512592 T 3385031 B2 2001048895 A 981950 A 321766 A 327987 A1 877750 T 48398 A3 448181 B 9609089 A | | 15-07-2002 28-10-1999 22-05-1997 05-01-1999 09-05-1997 20-01-1999 04-06-2004 14-10-1998 25-07-2002 16-01-2003 15-07-2002 18-11-1998 16-11-2002 18-10-2002 30-11-1998 11-09-1997 02-12-1998 10-03-2003 20-02-2001 26-06-1998 29-07-1999 04-01-1999 30-09-2002 04-11-1998 01-08-2001 29-04-1997 |
| US 2002137689 | A1 | 26-09-2002 | DE DE AU BR CA CN CZ EE WO EP HU JP NO PL SK ZA | 10064398 A1 10152981 A1 1609702 A 0116325 A 2431983 A1 1483021 A 20031732 A3 200300236 A 0250027 A1 1345895 A1 0401081 A2 2004516280 T 20032734 A 362379 A1 7822003 A3 200304093 A | | 27-06-2002 08-05-2003 01-07-2002 14-10-2003 27-06-2002 17-03-2004 17-09-2003 15-08-2003 27-06-2002 24-09-2003 28-09-2004 03-06-2004 18-08-2003 18-10-2004 02-12-2003 23-04-2004 |